



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

October 3, 2013

Mr. Clayton Howard
Lake Pemaquid, Inc.
P.O. Box 967
Damariscotta, ME. 04543

RE: Maine Permit Compliance System #MEU503271
Maine Waste Discharge License (WDL) Application #W003271-5J-H-R
Final License

Dear Mr. Howard:

Enclosed please find a copy of your **final WDL renewal** which was approved by the Department of Environmental Protection. Please read this license renewal and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 592-7161.

Sincerely,

Cindy L. Dionne
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Denise Behr, DEP/SMRO
Sandy Mojica, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

LAKE PEMAQUID, INC.)	PROTECTION AND IMPROVEMENT
DAMARISCOTTA, LINCOLN COUNTY, MAINE)	OF WATERS
SURFACE WASTEWATER DISPOSAL SYSTEM)	
#MEU503271)	WASTE DISCHARGE LICENSE
#W003271-5J-H-R)	RENEWAL
APPROVAL)	

Pursuant to the provisions of the *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of LAKE PEMAQUID, INC. (LPI) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The applicant has submitted a timely and complete application to the Department for renewal of Waste Discharge License (WDL) #W003271-5J-E-R/Permit Compliance System (PCS) tracking #MEU503271, which was issued by the Department on September 15, 2008 for a five year term. The 9/15/08 WDL authorized LPI to discharge 203,640 gallons per week or 67,875 gallons per day of sanitary wastewaters on a seasonal basis from the Lake Pemaquid Campground to a surface wastewater disposal spray irrigation system on 5 acres to ground water, Class GW-A, in Damariscotta, Maine from April 15-November 15 of each year.

The Department issued: an administrative modification on September 25, 2008 to correct a typographical error on the 9/15/08 license; a minor revision on October 24, 2008 to increase the spray application rate, establish a requirement for a licensed operator for the wastewater facility, and suspend the requirement for low flow sampling of ground water until the Department establishes said sampling guidelines. A minor revision was issued on July 12, 2010 to increase the weekly and daily spray application rates to 244, 370 gallons and 135, 750 gallons, respectively.

LICENSE SUMMARY

This license carries forward all terms and conditions of the previous licensing action except that it:

- Eliminates the Daily Application Rate limit;
- Eliminates Special Condition N (from the 2008 license) regarding the submittal of an annual Spray Irrigation Report;
- Eliminates Low Flow Sampling technique language;

LICENSE SUMMARY (cont'd)

- Establishes Special Condition N, *Pumping (Solids removal from septic tanks, pumping stations, and other treatment tanks)*;
- Revises Special Condition K, *Septic Tanks*;
- Revises the weekly maximum application rate measurement. The weekly maximum application rate discharged to the Spray Irrigation Field will no longer be reported in gallons per acre. Rather, a maximum weekly volume of 244,370 gallons is being established to allow for flexibility in process control;
- Revises *Lagoon Effluent* language in Footnotes; and
- Revises Special Condition J, *Lagoon Maintenance*.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated October 3, 2013, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and

CONCLUSIONS (cont'd)

- (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

This space intentionally left blank.

ACTION

THEREFORE, the Department APPROVES the above noted application of LAKE PEMAQUID, INC. to operate a surface wastewater disposal system to dispose of 244,370 gallons per week of sanitary wastewater during the period of April 15th – November 15th of each year, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

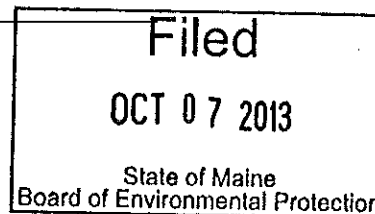
1. *Standard Conditions of POTW Waste Discharge Licenses*, revised July 16, 1996, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the authorization to discharge and the terms and conditions of this license and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 4th DAY OF October, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for PATRICIA W. AHO, Commissioner



Date filed with Board of Environmental Protection _____

Date of initial receipt of application: May 30, 2013

Date of application acceptance: June 3, 2013

This Order prepared by Cindy L. Dionne, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS**A. LIMITATIONS AND MONITORING REQUIREMENTS**

1. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **LAGOON EFFLUENT (OUTFALL #001A)** is limited and must be monitored as specified below⁽¹⁾.

	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Biochemical Oxygen Demand <i>[00310]</i>	---	100 mg/L <i>[19]</i>	2/Year ⁽²⁾ <i>[02YR]</i>	Grab <i>[GR]</i>
Total Suspended Solids <i>[00530]</i>	---	100 mg/L <i>[19]</i>	2/Year ⁽²⁾ <i>[02YR]</i>	Grab <i>[GR]</i>
Nitrate-Nitrogen <i>[00620]</i>	---	Report mg/L <i>[19]</i>	2/Year ⁽²⁾ <i>[02YR]</i>	Grab <i>[GR]</i>

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

Footnotes: See Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS**A. LIMITATIONS AND MONITORING REQUIREMENTS**

2. The licensee is authorized to apply wastewater to the land via a spray irrigation system during a limited time frame of April 15th – November 15th of each year. The **SPRAY IRRIGATION FIELD (SF1)** is limited and must be monitored as specified below.

	Monthly Total	Weekly Maximum	Daily Maximum	Measurement Frequency	Sample Type
Flow - Total Gallons ⁽³⁾ [51500]	Report (Gallons) [57]	---	---	1/Month [01/30]	Calculate [CA]
Application Rate ⁽³⁾ [51125]	---	244,370 ⁽⁴⁾ [8G]	---	1/Week [01/07]	Calculate [CA]

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

Footnotes: See Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS**A. LIMITATIONS AND MONITORING REQUIREMENTS**

3. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **GROUND WATER MONITORING WELL (GW-1)** is limited and must be monitored as specified below

	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Depth to Water Level Below Land Surface [72019]	---	Report (feet) ⁽⁵⁾ [27]	2/Year ⁽⁶⁾ [02/YR]	Measure [MS]
Specific Conductance [00095]	---	Report (umhos/cm) ⁽⁷⁾ [11]	2/Year ⁽⁶⁾ [02/YR]	Grab [GR]
Nitrate-Nitrogen [00620]	---	10 mg/L [19]	2/Year ⁽⁶⁾ [02/YR]	Grab [GR]

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

Footnotes: See Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes

Lagoon Effluent

1. Storage lagoon effluent must be sampled (at the pump house discharge pipe sampling port) and must be representative of what is actually sprayed on the field. All sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified for waste water by the State of Maine's Department of Health and Human Services. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000). If the licensee monitors any pollutant more frequently than required by the license using test procedures approved under 40 CFR Part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

All analytical test results must be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result must be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this license or in available Department guidance documents.

2. Lagoon effluent sampling must be conducted in the months of **July and August** of each calendar year in accordance with approved methods for sampling, handling and preservation (see footnote #1). The licensee is not required to test for these parameters during a month when no wastewater was disposed of via the spray irrigation system for that entire month.

Spray-Irrigation Fields

3. The licensee must measure the flow of wastewater to the irrigation area by the use of a meter or pump calibration data that is checked for calibration at least once per calendar year.
4. For Discharge Monitoring Report (DMR) reporting purposes, the licensee must report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends. "Weekly" is defined as Sunday through Saturday.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Ground Water Monitoring

5. Depth to water level must be measured to the nearest one tenth (1/10th) of a foot as referenced from the surface of the ground at the base of the monitoring well.
6. Ground water sampling must be conducted in the months of **May and October** of each year. Sampling, handling, and preservation must be conducted in accordance with approved methods (See footnote #1).
7. Specific conductance (calibrated to 25.0° C) is considered to be a "field" parameter meaning that they are measured directly in the field via instrumentation and does not require laboratory analysis. However, in certain instances, specific conductance samples may be preserved and forwarded to a laboratory for evaluation. The licensee is required to test for this parameter whether wastewater was disposed of via the spray-irrigation system or not. Specific conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional ground water testing requirements.

B. TREATMENT PLANT OPERATOR

This treatment facility must be operated by a person holding a minimum of a Maine **Grade SITS-I** certificate (or a Maine Professional Engineer [P.E.]) pursuant to 32 M.R.S.A. § 4171 and CMR 531. All proposed contracts for facility operation by any person must be approved by the Department prior to the licensee engaging the services of the contract operator.

C. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain materials in concentrations or combinations which would impair the usages designated for the classification of the ground water.
2. The effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

D. AUTHORIZED DISCHARGES

The licensee is authorized to discharge in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on June 3, 2013; 2) the terms and conditions of this license; and 3) only to the existing spray irrigation field (SF1) and from those sources as indicated in this licensing action.

Discharge of wastewater from any other location or from sources other than those indicated on said application are not authorized under this license, and must be reported in accordance with Standard Condition 11, *Bypass of Waste Treatment Facilities*, of this license.

SPECIAL CONDITIONS

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition #6, the licensee must notify the Department of the following:

1. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system. For the purposes of this section, notice regarding substantial change must include information on:
 - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

F. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewater must receive pretreatment through septic tanks and a properly designed, operated, and maintained lagoon system prior to land irrigation.
2. The spray irrigation facilities must be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of ground waters which will render them unsatisfactory for usage as a public drinking water supply.
3. The surface wastewater disposal system must not cause lowering of the quality of the ground water, as measured in the ground water monitoring well specified by this license below the State Primary and Secondary Drinking Water Standards specified in *Drinking Water Regulations*, 22 M.R.S.A. § 2611.

In the event that ground water monitoring indicates adverse effects, the licensee may be required to take immediate remedial action(s), which may include but are not limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, or ceasing operation of the system until the Department determines that such actions are no longer required.

4. The licensee must notify the Department as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, or any malfunction that threatens the proper operation of the system, and action taken to repair/correct, and prevent recurrence. Notification must be made in accordance with the attached Standard Condition #4 of this license.
5. The licensee must maintain a file on the location of all system components and relevant features. Each component must be mapped and field-located sufficiently to allow adequate inspection and monitoring by both the licensee and the Department. Septic tanks (with risers where necessary) must be accessible for inspection and pumping.

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL REQUIREMENTS (cont'd)

6. All system components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells must be identified and referenced by a unique identifier (alphabetic, numeric or alpha-numeric) in all logs and reports.

G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS

1. Suitable vegetative cover must be maintained. Wastewater may not be applied to areas without sufficient vegetation or ground cover to prevent erosion or surface water runoff outside the designated boundaries of the spray field.
2. At least 10 inches of separation from the ground surface to the ground water table must be present prior to spraying.
3. There must be no runoff outside the designated spray field boundaries as a result of operation of the spray system.
4. No wastewater may be applied to the site following a rainfall accumulation exceeding 1.0 inches within the previous 24-hour period. A rain gauge must be located on site to monitor daily precipitation. The licensee must also manage application rates by taking into consideration the forecast for rain events in the 48-hour period to follow a scheduled application.
5. No wastewater may be applied where there is snow present on the surface of the ground.
6. No wastewater may be applied when there is frost within the upper 10 inches of the soil profile.
7. No traffic or equipment is allowed in the spray-irrigation field except where installation of equipment occurs or where normal operations and maintenance is performed.

H. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

1. **Each day prior to irrigating**, the licensee must visually inspect the spray irrigation site to determine if the soil-moisture conditions are appropriate for spraying and all the operational constraints listed in Special Condition G of this license are met.
2. The licensee must, at all times, maintain in good working order, and operate at maximum efficiency, all wastewater collection, treatment and/or control facilities. **Within one hour after start-up of the spray-irrigation system and at the conclusion of the spray-event**, the licensee must traverse the spray irrigation site to check the system for leakage in the piping system and determine if individual spray heads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions.

Should significant malfunctions or leaks be detected, the licensee must shut down the

SPECIAL CONDITIONS

H. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS (cont'd)

malfunctioning portion of the spray system and make necessary repairs before resuming operation of the system. The licensee must cease irrigation if runoff is observed outside the designated boundaries of the spray field(s).

3. **The licensee must maintain a daily log of all spray irrigation operations** which records, date, weather and soil conditions, rainfall, lagoon freeboard (top of lagoon to the water surface), areas irrigated, volume sprayed (gallons), application rates (daily and hourly), and other relevant observations/comments from daily inspections. The log must be in accordance with the format or similar format of the "Monthly Operations Log" provided as **Attachment A** of this license.

Weekly spray application rates must be reported in accordance with the format or similar format of the "Spray Application Report by Week" provided as **Attachment B** of this license. Depth to water below land surface observed in monitoring wells must be reported in accordance with the format or similar format provided as Attachment A of this license.

The daily operational logs and weekly spray application reports for each month must be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMR's). Copies must also be maintained on site for Department review and for license operation maintenance purposes.

I. VEGETATION MANAGEMENT

1. The licensee must remove vegetation in the spray-irrigation areas as necessary as not to impair the operation of the spray-irrigation system and to ensure uniform distribution of wastewater over the desired application area.
2. The vegetated buffer zones along the perimeter of the site must be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

J. LAGOON MAINTENANCE

1. The banks of the lagoon must be inspected weekly during the operating season and properly maintained. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the berms must be repaired immediately. The licensee must notify the Department in writing within five (5) days of such incidents documenting the corrective action(s) that were taken to eliminate the overflow.
2. Maintenance of the banks of the lagoon must be conducted to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the berm and or lagoon liner.

SPECIAL CONDITIONS

J. LAGOON MAINTENANCE (cont'd)

3. The waters within the lagoon must be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinder the operation of the lagoon.
4. The lagoon must be dredged as necessary to maintain the proper operating depths that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) must be properly disposed of in accordance with all applicable State laws and regulations.
5. At the end of each spray season, the lagoon must be lowered to a level sufficient to allow for storage of precipitation and/or infiltration during the period the spray system is not being used and/or operated.
6. The licensee must maintain the lagoon freeboard at design levels or at least two (2) feet whichever is greater. The storage lagoon must be operated in such a way as to balance the disposal of wastewater via spray irrigation, including the necessary storage capacity for precipitation, to ensure that design freeboard levels are maintained.

K. SEPTIC TANKS

1. All septic tanks must be watertight and tanks must be constructed of materials approved by the Department and in accordance with the *Maine Subsurface Wastewater Disposal Rules*. Metal septic tanks are prohibited.
2. Inlet and outlet connections of each septic tank or compartment must be designed to obtain effective retention of scum and sludge. All connections and baffles must be fastened with and constructed of, or coated with, materials that are resistant to corrosion.
3. Septic tanks and other treatment tanks must be regularly inspected (at least once per calendar year) and maintained to ensure that they are providing best practicable treatment. Reports of the results of the inspection must include the amount of sludge build-up, baffle conditions, etc., and must be reported to the Department's compliance inspector prior to the end of the month following the inspection.
4. Tank contents must be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity or whenever levels approach maximum design capacity. Although not specifically required by this licensing action, it is the Department's recommendation that any food-preparation facility or dining halls serviced by the spray-irrigation treatment system have an external grease interceptor preceding the septic tank, to help facilitate best practicable treatment and ensure proper functioning of the septic tank(s). Grease interceptors should be inspected by the licensee at least two times per year and the tank cleaned when the volume of the grease equals more than 50% of the capacity of the tank.

Note: Any food-preparation facilities connected to septic tanks are required to have

SPECIAL CONDITIONS

L. DISPOSAL OF TRANSPORTED WASTE IN WASTEWATER TREATMENT FACILITY

external grease interceptors preceding the septic tanks in accordance with the State of *Maine Subsurface Wastewater Disposal Rules*.

This license does not authorize from the introduction of transported wastes into the wastewater treatment facility. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

M. INSPECTIONS AND MAINTENANCE

1. Maintenance logs must be maintained for each system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the log must include the alphanumeric ID, the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.
2. All inspections must include an evaluation of any repair, upgrades, pumping, operational and/or maintenance needs.
3. The inspection report or log must include the date of the inspection, the names of the person performing the inspection, and other relevant system operations.

N. PUMPING (SOLIDS REMOVAL FROM SEPTIC TANKS, PUMPING STATIONS, AND OTHER TREATMENT TANKS)

1. The licensee must keep a pumping log including the date of pumping, quantity of material removed (solids % capacity), name and number of licensed contractor, pumping frequency and other relevant observations.
2. Following pumping, the tanks must be checked for damage and repaired promptly if damaged or in disrepair.

O. OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN

The licensee must maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which the licensee must at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license.

By December 31 of each year, or within 90 days of any process changes or minor

SPECIAL CONDITIONS

O. OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN (cont'd)

equipment upgrades, the licensee must evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan must be kept on-site at all times and made available to Department personnel upon request.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the licensee must submit the updated O&M Plan to their Department inspector for review and comment.

P. PUBLIC ACCESS TO LAND APPLICATION SITES AND SIGNAGE

Public access to the land application sites must be controlled during the season of active site use. Such controls must include the posting of signs showing the activities being conducted at each site. The licensee must install signs measuring at least 8 ½" x 11" around the perimeter of the lagoon and spray irrigation site that inform the general public that the area is being used to dispose of sanitary wastewaters. Each sign must be placed such that at least two other signs (one left, one right) may be seen from any one posted sign. The signs must be constructed of materials that are weather resistant. The licensee must traverse the perimeter of the lagoon and spray site prior to the beginning of each spray season and make any necessary repairs to the signage to comply with this condition.

Q. GROUND WATER MONITORING

All monitoring wells must be equipped with a cap and lock to limit access and must be maintained in a secured state at all times when they are not being sampled. The Department reserves the right to require increasing the depth and or relocating any of the ground water monitoring wells if the well is perennially dry or is determined not to be representative of ground water conditions.

R. MONITORING AND REPORTING

Monitoring results (**April through November**) must be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office** such that the DMRs are received by the Department **on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the DMR and all other reports required herein must be submitted to the following address:

Department of Environmental Protection
Central Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333

SPECIAL CONDITIONS

R. MONITORING AND REPORTING (cont'd)

Alternatively, if the licensee submits an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR signatory not later than close of business on the **15th day of the month** following the completed reporting period. Hard copy documentation submitted in support of the eDMR must be postmarked on or before the **thirteenth (13th) day of the month or hand-delivered** to the Department's Regional Office such that it is received by the Department on or before the **fifteenth (15th) day of the month** following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the **15th day of the month** following the completed reporting period.

S. REOPENING OF THE LICENSE FOR MODIFICATIONS

Upon evaluation of the tests results in the Special Conditions of this licensing action, new site specific information, or any other pertinent test results or information obtained during the term of this license, the Department may, at any time and with notice to the licensee, modify this license to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

T. SEVERABILITY

In the event that any provision(s), or part thereof, of this license is declared to be unlawful by a reviewing court, the remainder of the license must remain in full force and effect, and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

ATTACHMENT A

Attachment A

Monthly Operations Log

Lake Pemaquid (WDL #W003271-5J-H-R) (Month/Year) _____

Spray Field # _____ Weekly Application Rate: _____ gallons/week

A	B	C	D	E	F	G
Date	Precipitation Previous 24 hours (inches)	Air Temp (°F)	Weather	Wind- Direction Speed (mph)	Depth To GW in Observation well (inches)	Total Gallons Pumped (gallons)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

Signature of Responsible Official: _____ Date _____

ATTACHMENT B

LAKE PEMAQUID CAMPGROUND

Spray Application Report by Week

(Month/Year) (_____/_____)

#W003271-5J-H-R / #MEU503271; Weekly Application Rate _____ gallons/week

Field Name/#	Effective Spray Area (Acres, when all used)	Weekly Limit (Gallons)	Actual Spray Application Rates (Gallons)					Number of Exceptions to Weekly Limit	Monthly Average
			Week 1	Week 2	Week 3	Week 4	Week 5		
Note: 1 acre-inch is equivalent to 27,150 gallons of liquid 27,150 gallons per acre is equivalent to 1.0 inch					Total Number of Exceptions				

A spray-field's weekly application rate is the total gallons sprayed (Sunday through Saturday).

Signature of Responsible Official: _____, Date _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: OCTOBER 3, 2013

PERMIT COMPLIANCE TRACKING SYSTEM NUMBER: #MEU503271

LICENSE NUMBER: #W003271-5J-H-R

NAME AND MAILING ADDRESS OF APPLICANT:

**LAKE PEMAQUID, INC.
P.O. BOX 460
DAMARISCOTTA, ME. 04543**

COUNTY: LINCOLN

NAME AND ADDRESS OF FACILITY:

**LAKE PEMAQUID CAMPGROUND
100 TWIN COVE ROAD
DAMARISCOTTA, ME.**

RECEIVING WATER/ CLASSIFICATION: GROUND WATER /CLASS GW-A

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Clayton Howard
(207) 563-3112**

1. APPLICATION SUMMARY

Application: Lake Pemaquid, Inc. (LPI) has submitted a timely and complete application to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W003271-5J-E-R/Permit Compliance System (PCS) tracking #MEU503271, which was issued by the Department on September 15, 2008 for a five year term. The 9/15/08 WDL authorized LPI to discharge 203,640 gallons per week or 67,875 gallons per day of sanitary wastewaters on a seasonal basis from the Lake Pemaquid Campground to a surface wastewater disposal spray irrigation system on 5 acres to ground water, Class GW-A, in Damariscotta, Maine from April 15-November 15 of each year.

The Department issued: an administrative modification on September 25, 2008 to correct a typographical error on the 9/15/08 license; a minor revision on October 24, 2008 to increase the spray application rate, establish a requirement for a licensed operator for the wastewater facility, and suspend the requirement for low flow sampling of ground water until the Department

1. APPLICATION SUMMARY (cont'd)

establishes said sampling guidelines. A minor revision was issued on July 12, 2010 to increase the weekly and daily spray application rates to 244,370 gallons and 135,750 gallons, respectively.

2. LICENSE SUMMARY

- a. Terms and Conditions: This license is carrying forward all the terms and conditions of the previous licensing actions except that it:
 - Eliminates the Daily Application Rate daily maximum limit;
 - Eliminates Special Condition N (from the 2008 license) regarding the submittal of an annual Spray Irrigation Report;
 - Eliminates Low Flow Sampling technique language;
 - Establishes Special Condition N, *Pumping (Solids removal from septic tanks, pumping stations, and other treatment tanks)*;
 - Revises Special Condition K, *Septic Tanks*;
 - Revises the weekly maximum application rate measurement. The weekly maximum application rate discharged to the Spray Irrigation Field will no longer be reported in gallons per acre. Rather a maximum weekly volume of 244,370 gallons is being established to allow for flexibility in process control.
 - Revises *Lagoon Effluent* language in Footnotes; and
 - Revises Special Condition J, *Lagoon Maintenance*.
- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the licensee's facility.

September 24, 1996 – The Department issued WDL #W003271-YC-B-R for a five-year term. The WDL authorized the use of a spray irrigation system for the disposal of sanitary wastewater.

August 10, 1998 – The Department issued WDL #W003271-5J-C-M which approved modifications to the operation of the surface wastewater disposal system. The modifications included changes to the monitoring provisions and established a new expiration date of August 10, 2003.

June 6, 2003 – The Department issued WDL renewal #W003271-5J-D-R for a five-year term.

June 2, 2008 – LPI submitted a timely and complete application to the Department to renew the WDL for the campground.

June 18, 2008 – LPI submitted a letter amending their 6/2/08 application requesting approval to increase the spray application rate to accommodate an increase in campsites from 319 sites to 400 sites.

2. LICENSE SUMMARY (cont'd)

September 15, 2008 – The Department issued WDL #W003271-5J-E-R for a five-year term.

October 24, 2008 – The Department issued minor revision #W003271-5J-F-M for the modification of the spray application rate, operator requirement revision and elimination of low flow ground water sampling until further notice from the Department.

July 12, 2010 – The Department issued minor revision #W003271-5J-G-M for the modification of the spray application rate and increase of the daily application rate.

May 30, 2013 – LPI submitted a timely and complete application to the Department for renewal of the 9/15/08 license. The application was accepted for processing on June 3, 2013, and was assigned WDL #W003271-5J-H-R.

- c. Source Description: The licensee operates Lake Pemaquid Campground, a lakeside campground located on the west shore of Pemaquid Pond (AKA Lake Pemaquid) in the Town of Damariscotta. **Attachment A** of this Fact Sheet shows the location of the site. Wastewater generated (approximately 29,100 gpd) is characterized as similar to typical domestic wastewater. The camp currently accommodates up to approximately 500 users during the peak season (late June to mid-August). Lesser quantities of wastewater are generated during camp opening (roughly 5% of total annual flow, beginning of May) until Memorial Day, and only approximately 10% after Labor Day until camp closing.
- d. Wastewater Treatment (Spray-Irrigation): The applicant treats sanitary wastewater through a slow rate land irrigation system (spray-irrigation). The wastewater treatment system includes five (5) septic tanks, 11 pump station tanks, an underground wastewater collection system serving the campsites, two lagoons, and a 5-acre spray irrigation area. See **Attachment B** of this Fact Sheet for a schematic of the lagoons and spray field.

The treatment system consists of two lagoons operated in series. The primary lagoon has a surface area of 1.3 acres and an operating depth of 2.5 to 3.0 feet for a total working volume of 1,164,500 gallons. The secondary lagoon has a surface area of 0.42 acres and an operating depth of 3 feet for a total working volume of 410,500 gallons. The lagoons were designed as stabilization ponds without any mechanical aeration. Due to the development of odors and complaints from the lagoon during heavy campground use periods in the summer, a 3-horsepower mechanical aspirator aerator was installed in the primary lagoon. A backup aerator was added and stored in the storage lagoon. The aerator in the storage lagoon was seen in operation at the 2013 inspection by the Department.

The system operates in a batch mode. Once per week the flow from the primary lagoons is directed to the secondary lagoon. In the secondary lagoon the wastewater is allowed to settle for approximately one week. The effluent from the secondary lagoon is conveyed

2. LICENSE SUMMARY (cont'd)

to a 2,000 gallon concrete tank with a spray irrigation pump. The decant line flow to the tank is about one foot below the water surface to prevent algae and solids within the lagoon to enter the spray irrigation system. The 5-acre spray irrigation area consists of five primary lateral rows. Each lateral row contains 12 spray nozzles. Each nozzle distributes wastewater over a circular area with a radius of 50 feet. See **Attachment C** of this Fact Sheet for a schematic of the spray irrigation layout.

Ground water quality is currently monitored by a ground water monitoring well located hydraulically down gradient from the lagoons.

- e. Site Conditions: The lagoons and spray irrigation area are located on a moderate slope about 900 feet west of Pemaquid Pond. The site is underlain by glacial till and marine sediments of reported low hydraulic conductivity overlying bedrock. Surveys performed prior to the construction of the system indicate the topsoil is a moderately well drained stoney sandy loam on 0% to 8% slope. The spray irrigation area is located in an area of mixed hardwood and coniferous forest.

3. CONDITIONS OF THE LICENSE

Conditions of licenses, 38 M.R.S.A. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT) and ensure that the receiving waters attain the State water quality standards as described in Maine's Water Classification System.

4. RECEIVING WATER QUALITY STANDARDS

Classification of ground water, 38 M.R.S.A § 470 indicates the ground water at the point of discharge is classified as Class GW-A receiving waters. 38 M.R.S.A. §465-C (1) describes the standards for Class GW-A waters as the highest classification of ground water that shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste, or odor which would impair the usage of these waters, other than occurring from natural phenomena.

5. TREATMENT

Slow-rate land irrigation treatment is an environmentally sound and appropriate technology for best practicable treatment and disposal of sanitary wastewater. The soils and vegetation within the irrigation area will provide adequate filtration and absorption to preserve the integrity of the soil, and both the surface and ground water quality in the area.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Lagoon Effluent: Previous licensing action established, and this license is carrying forward, a twice-per-year (July and August) monitoring requirement for the biochemical

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

oxygen demand (BOD₅), total suspended solids (TSS), and nitrate-nitrogen for lagoon effluent as it exits the lagoon to be sprayed. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the wastewater being applied.

A review of the Discharge Monitoring Report (DMR) data for the period July 2009 – August 2012 (n=8) indicates the following:

BOD₅ concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	100	8.6 – 160	54

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	100	32 – 170	81

Nitrate-nitrogen concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	0.25 – 0.50	0.4

- b. Spray Irrigation Monthly Totals, Weekly & Daily Application Rate: Previous licensing action established a weekly maximum application rate of 48,874¹ (previously 48,873 due to a rounding error) gallons per acre per week (1.8 inches/week) based on the characteristics of the in-situ soils. This license is establishing a maximum weekly limit of 244,370 gallons as calculated below:

$$48,874 \times 5 \text{ (spray irrigation field size)} = 244,370 \text{ gallons/week}$$

A review of the DMR monitoring for the period April 2009 – November 2012 indicates spray application rates (n=22) have been as follows:

Weekly application rates

Value	Limit (gal/acre)	Range (gal/acre)	Average (gal/acre)
Weekly Maximum	48,874	5,980 – 48,000	23,602

In addition to establishing a weekly maximum application rate, the previous licensing action established, and this licensing action is carrying forward, a reporting requirement for the total quantity of wastewater applied to the spray field on a monthly basis.

¹ Note: 1 acre-inch is equivalent to 27, 152 gallons

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

A review of the DMR data for the period April 2009 – November 2012 indicates total flows (n=22) have been reported as follows:

Monthly totals

Value	Limit (gallons)	Range (gallons)	Average (gallons)
Total gallons/month	Report	29,900 – 941,000	305,372

Daily Application Rate totals (which are being eliminated in the license) for the period of April 2009-2012 have been reported as follows:

Daily Maximum Spray Irrigation Rate

Value	Limit (gallons)	Range (gallons)	Average (gallons)
Daily Maximum	13,575 (2009-7/2010)	5,980-17,400	11,499
	27,150 (7/2010-2012)	5,800-16,600	10,263

- c. Ground Water Monitoring Well: Typically the Department requires a minimum of three monitoring wells for monitoring surface wastewater disposal (spray-irrigation) systems. One well is typically installed up-gradient from the lagoon to monitor ambient ground water conditions, one well installed down-gradient from the lagoon to monitor lagoon leakage, and one well installed down-gradient from the spray field to monitor effects on the ground water from the spray operation. In 1993, the Department assisted LPI in the location and number of monitoring wells (one) to be installed to assist in determining the impact (if any) from the LPI wastewater treatment facility on the ground water.

One monitoring well (GW-1) currently exists on site (down gradient of the lagoon) and is shown on Attachment B of this Fact Sheet.

Specific Conductance - Tracking the levels of this parameter is important in determining the efficiency of the soil in attenuating the pollutant loading via the spray-irrigation area and is likely to identify chronic leakage in the lagoon. Specific conductance is considered a surveillance-level monitoring parameter that is used as an early-warning indicator of potential ground water contamination.

For purposes of this license, specific conductance (normally a field parameter) may be measured in the laboratory as long as Department approved methods for handling and preservation of the sample are adhered to and analysis is performed in accordance with methods approved by 40 Code of Federal Regulations (CFR) Part 136. By definition the sample shall be temperature-calibrated to 25°C. Specific conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional ground water testing requirements.

A review of the DMR data for the period May 2009 – October 2012 indicates specific conductance values for each monitoring well (n=8) have been reported as follows:

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Specific conductance

Monitoring Well ID	Limit	Range (umhos/cm)	Average (umhos/cm)
GW-1	Report	37 - 97	57

Nitrate-nitrogen - Nitrogen compounds are by-products of the biological breakdown of ammonia and organic nitrogen, and are inherent in domestic like sanitary wastewater. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste-disposal sites. Also, elevated levels of nitrate-nitrogen in the drinking water supply are of human health concern. The limit of 10 mg/L is a National Primary Drinking Water standard.

A review of the DMR data for the period May 2009 – October 2012 indicates specific conductance values for each monitoring well (n=8) have been reported as follows:

Nitrate-nitrogen

Monitoring Well ID	Limit (mg/L)	Range (mg/L)	Average (mg/L)
GW-1	10	0.05 – 0.50	0.4

7. SYSTEM CALIBRATION

Discharge rates, application rates and uniformity of application change over time as equipment ages and components wear, or if the system is operated differently from the assumed design. Operating below design pressure greatly reduces the coverage diameter and application uniformity (resulting in increased ponding). For these reasons, the licensee should field calibrate their equipment on a regular basis to ensure proper application and uniformity, and when operating conditions are changed from the assumed design.

Calibration involves collecting and measuring flow at several locations in the application area (typically a grid pattern of containers with uniform diameters). Rain gauges work best because they already have a graduated scale from which to read the application amount without having to perform additional calculations.

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As licensed, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class GW-A classification.

9. PUBLIC COMMENTS

Public notice of this application was made in the Lincoln County News newspaper on or about April 24, 2013. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft licenses shall have at least 30 days in which to submit comments on the draft or to

9. PUBLIC COMMENTS (cont'd)

request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

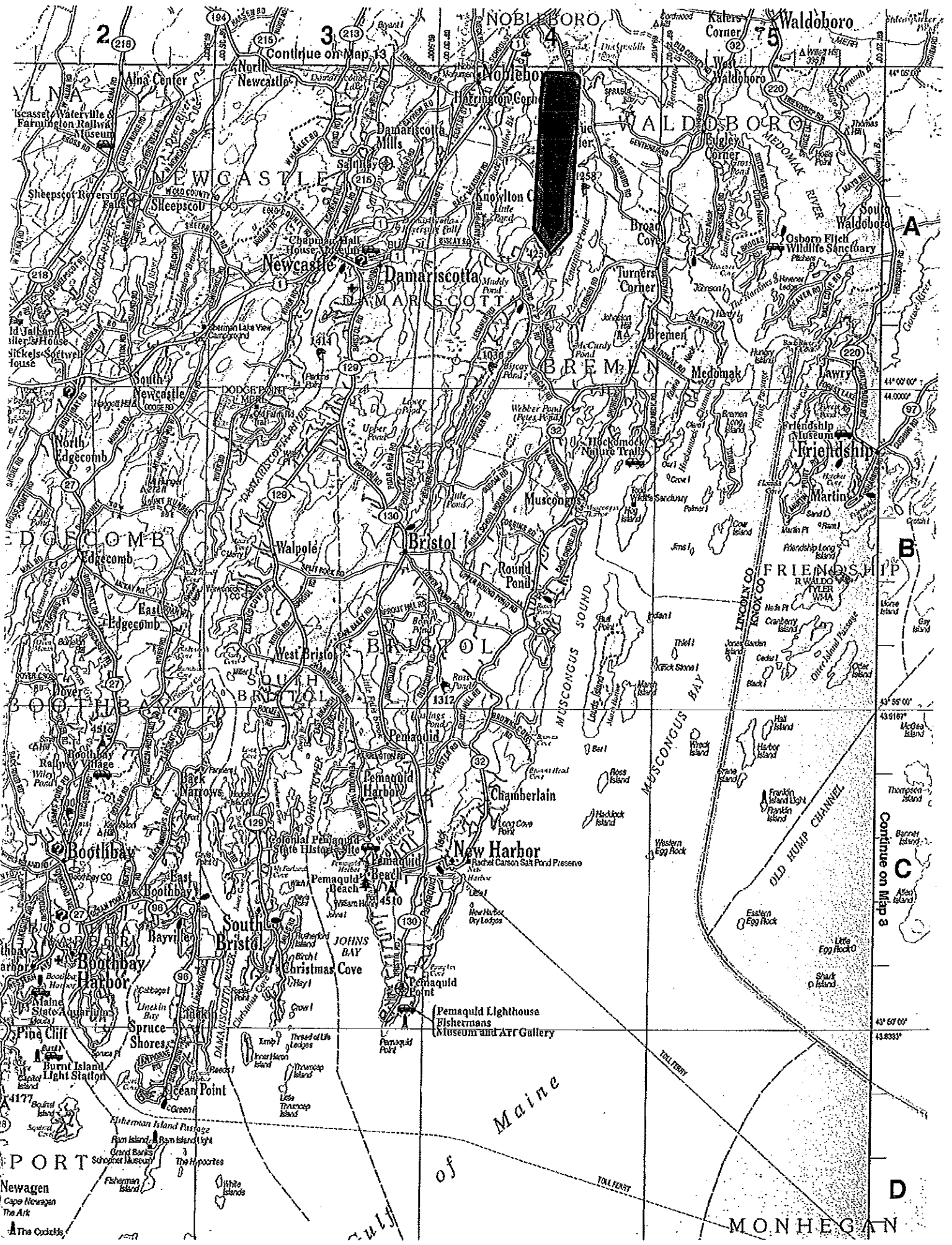
Additional information concerning this licensing action may be obtained from and written comments should be sent to:

Cindy L. Dionne
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 592-7161 Fax: (207) 287-3435
e-mail: cindy.l.dionne@maine.gov

11. RESPONSE TO COMMENTS

During the period of August 27, 2013 through the issuance of this license, the Department solicited comments on the proposed draft Waste Discharge License to be issued to Lake Pemaquid, Inc. for the proposed discharge. The Department did not receive significant comments on the draft license; therefore, a response to comments was not prepared.

ATTACHMENT A



Continue on Map 13

Continue on Map 3

Maine of

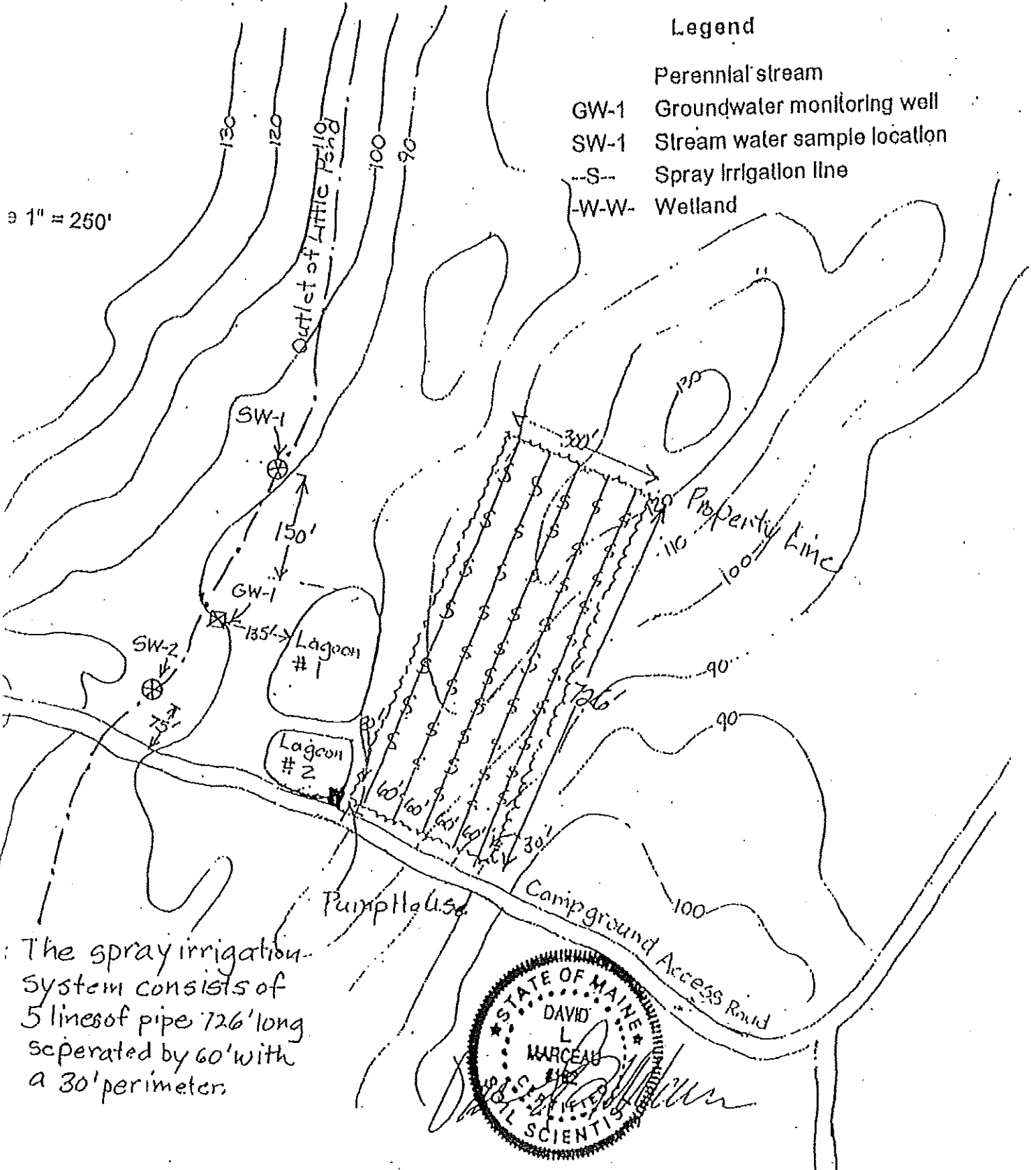
MONHEGAN

ATTACHMENT B

SKETCH OF LAKE PEMAQUID CAMPGROUND SURFACE WASTE WATER DISPOSAL SYSTEM

Attachment 3
WDL #W003271-5J-D-R

Note: Topographic information was taken from the U.S.G.A. 7.5 minute Damariscotta Quad (blown up from 1" = 2000' to 1" = 250')



ATTACHMENT C

Attachment 2
WDL #W003271-SJ-D-R

720'

LAKE PEMAQUID

60'x60' Square
SPRINKLER SPACING

NELSON F335
SINGLE 3/16" ORIFICE

7.16 GPM @ 50 PSI
50 FT Radius @ 50 PSI

Each Lateral
consists of:

8 3"x30' alum.
11+3 2"x30' alum.

quick couple. irrigation
pipe.

Sprinklers every other
pipe for 60 x 60 ft.

Horizontal reference
point is the South East
corner of the pump house
and the South West
corner of 5A. Spray
field is located 30'
Easterly of the hori-
zontal reference point.
the vertical reference
point is the top of the
dock post in Lagoon #1

Ag. Engineers, Inc.
29 Walnut Crest Road
Berham, Maine 04038-
Phone: 207-854-2407

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE
DISCHARGE LICENSES

CONTENTS

SECTION	TOPIC	PAGE
1	GENERAL CONDITIONS	2
2	PRETREATMENT REQUIREMENTS	3
3	WASTE WATER TREATMENT AND SAMPLING FACILITIES	3
4	NON-COMPLIANCE NOTIFICATION	3
5	MONITORING AND REPORTING	4
6	CHANGE OF DISCHARGE	5
7	TRANSFER OF OWNERSHIP	5
8	RECORDS RETENTION	5
9	OTHER MATERIALS	6
10	REMOVED SUBSTANCES	6
11	BYPASS OF WASTE TREATMENT FACILITIES	6
12	EMERGENCY ACTION-ELECTRIC POWER FAILURE	6
	DEFINITIONS	7

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE

DISCHARGE LICENSES

1. GENERAL CONDITIONS

- A. All discharges shall be consistent with the terms and conditions of this license; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this license; it shall be a violation of the terms and conditions of this license to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this license.
- B. the licensee shall permit the Department of Environmental Protection Staff upon the presentation of proper credentials:
 - (1) To enter upon licensee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this license;
 - (2) To have access to and copy any records required to be kept under the terms and conditions of this license;
 - (3) To inspect any monitoring equipment or monitoring method required in this license; or,
 - (4) To measure and/or sample at any intake, process or cooling effluent stream, waste water treatment facility and/or outfall.
- C. This license shall be subject to such monitoring requirements as may be reasonably required by the Department of Environmental Protection including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The licensee shall provide the Department of Environmental Protection with periodic reports on the proper Department of Environmental Protection reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.
- D. This license does not preclude obtaining other required Federal, State, or Municipal permits and does not authorize or approve the construction of any on-shore physical structures or facilities or the undertaking of any work in any navigable waters.
- E. The issuance of this license does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.
- F. Nothing in this license shall be construed to relieve the licensee from civil or criminal penalties for non-compliance, whether or not such non-compliance is due to factors beyond the licensee's control, such as an accident, equipment breakdown, labor disputes or natural disaster.

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE
DISCHARGE LICENSES

2. PRETREATMENT REQUIREMENTS

- A. The licensee shall comply with all Federal Statutes, regulations, and conditions of permits applicable to its discharge of waste waters, including, but not limited to, those requiring the installation of pretreatment facilities or establishment of pretreatment programs.
- B. Municipal or quasi-municipal licenses shall maintain user contracts, permits or ordinances to regulate industrial entities which discharge process waste water to the licensee's treatment facilities in quantities greater than 10% of the facility's design capacity. Such contracts, permits or ordinances shall be submitted to the Department for approval within three months of the effective date of this license or prior to acceptance of new or increased volumes of industrial waste water. All such contracts, permits or ordinances shall be an enforceable part of this license whether or not approved by the Department.

3. WASTE WATER TREATMENT AND SAMPLING FACILITIES

- A. The licensee shall collect all waste flows designated by the Department of Environmental Protection as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to maximize removal of pollutants unless authorization to the contrary is obtained from the Department.
- B. The licensee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- C. All necessary waste treatment facilities will be installed and operational prior to the discharge of any waste waters.
- D. Final plans and specifications must be submitted to the Department of Environmental Protection and approved prior to the construction or modification of any treatment facilities.
- E. The licensee shall install flow measuring facilities of a design approved by the Department of Environmental Protection.
- F. The licensee must provide an outfall of a design approved by the Department of Environmental Protection which is placed in the receiving waters in such a manner that maximize mixing and dispersion of the waste waters will be achieved as rapidly as possible.

4. NON-COMPLIANCE NOTIFICATION

- A. In the event the licensee bypasses collection or treatment facilities or is unable to comply with any of the conditions of this license due, among other reasons, to:
 - (1) breakdown of waste treatment equipment;
 - (2) accidents caused by error or negligence;
 - (3) high strength, high volume or incompatible wastes; or
 - (4) other causes such as acts of nature,

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE
DISCHARGE LICENSES

the licensee shall notify the Department of Environmental Protection verbally as soon as its agents have knowledge of the incident.

- B. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:
- (1) A description of the discharge and cause of non-compliance; and
 - (2) The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non-complying discharge.
- C. If the licensee knows in advance of changes in licensed facilities or activities which may result in non-compliance or of the need to bypass, it shall submit prior notice at least ten days in advance of such occurrence.
- D. In the event of a bypass is due to inflow or infiltration of uncontaminated water into a sewer system, reporting requirements may be adjusted by the Department to a monthly basis.

5. MONITORING AND REPORTING

A. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the licensee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

B. Test Methods

The sampling, preservation, handling, and analytical methods used must conform with Standard Methods for the Examination of Water and Waste Waters, American Public Health Association, 1015 18th Street, N.W., Washington, D.C. 20036, latest approved edition, or methods referenced in 40 CFR Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. However, different but equivalent methods are allowable if they receive the prior written approval from the Department of Environmental Protection.

- (1) All reports shall be submitted to the Department not later than the fifteenth of the month following the end of the monitoring period.
- (2) Any reports or records of monitoring activities and results shall include for all samples: (a) the date, exact place, and time of sampling; (b) the dates and times of analyses; (c) the analytical techniques/methods used, including sampling, handling, and preservation techniques; and (d) the results of all required analyses.

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE
DISCHARGE LICENSES

C. All reports shall be signed by:

- (1) In the case of corporations, a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the reporting form originates.
- (2) In the case of a partnership, a general partner or duly authorized representative.
- (3) In the case of a sole proprietorship, the proprietor or duly authorized representative.
- (4) In the case of a municipal, State, or other public facility, either a principal executive officer, ranking elected official, or duly authorized employee.

6. CHANGE OF DISCHARGE

The licensee shall notify the Department in writing as soon as it has knowledge of any significant changes or proposed changes in its discharge, including but not limited to:

- A. the temporary or permanent termination of the discharge;
- B. changes in the waste collection, treatment or disposal facilities;
- C. changes in the volume or character of waste water flows;
- D. permanent changes in industrial production rates;
- E. the proposed addition, directly or indirectly, of toxic pollutants not authorized by the license or reflected in the application filed with the Department;
- F. the addition to a municipal or quasi-municipal treatment system of industrial wastes which are categorically regulated by the U.S. EPA pursuant to the agency's pretreatment program.

7. TRANSFER OF OWNERSHIP

In the event that any person possessing a license issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license being approved by the Department, the license granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license, provided that the parties to the transfer shall be jointly and severally liable for any violation thereof until such times as the Department approves transfer or issuance of a waste discharge license to the new owner. The Department may in its discretion require the new owner to apply for a new license, or may approve transfer of the existing license upon a satisfactory showing that the new owner can abide by its terms and conditions.

8. RECORDS RETENTION

All records and information resulting from the monitoring activities required by this license including all records of analyses performed and calibrations and maintenance of instrumentation shall be retained for a minimum of three (3) years.

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE
DISCHARGE LICENSES

9. OTHER MATERIALS

Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

A. They are not

- (1) designated as toxic or hazardous under the provisions of Sections 307 and 311 respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law, or
- (2) known to be hazardous or toxic by the licensee.

B. The discharge of such materials will not violate applicable water quality standards.

10. REMOVED SUBSTANCES

Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department of Environmental Protection.

11. BYPASS OF WASTE TREATMENT FACILITIES

The diversion or bypass of any discharge from facilities utilized by the licensee to maintain compliance with the terms and conditions of this license is prohibited, except (1) where unavoidable to prevent loss of life or severe property damage, or (2) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this license. The licensee shall notify the Department of Environmental Protection of each such diversion or bypass in accordance with the procedure specified in paragraph 6 above for reporting non-compliance. It is the duty of the licensee to take all feasible steps to prevent, minimize and mitigate bypasses. If infiltration or inflow of stormwater or ground water contribute to bypasses, the licensee shall submit to the Department for approval, a wet weather flow management plan. The plan shall describe measures implemented to maximize the volume of flow through the treatment facilities and the efficiency of the treatment process. Submission of this plan shall not remove any responsibilities of the licensee pursuant to paragraph 6.

12. EMERGENCY ACTION-ELECTRIC POWER FAILURE

Within thirty days after the effective date of this license, the licensee shall notify the Department of Environmental Protection of facilities and plans to be used in the event the primary source of power to its waste water pumping and treatment facilities fails. During power failure, all waste waters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the waste water facilities.

STANDARD CONDITIONS OF PUBLICLY OWNED TREATMENT WORKS (POTW) WASTE
DISCHARGE LICENSES

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

- A. Grab Sample: An individual sample collected in a period of less than 15 minutes.
- B. Composite Sample: A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or a lesser period if specified in the section on Monitoring and Sampling) and combined proportional to flow or a sample continuously collected proportionally to flow over the same time period.
- C. Daily Maximum For Concentration: The maximum value not to be exceeded at any time.
- D. Daily Maximum For Quantity: The maximum value not to be exceeded during any day.
- E. Weekly or Monthly Average: The sum of all daily samples measurement or test results made during a week or month divided by the number of tests or measurement made during the respective time period. Exception: bacteriological tests shall be calculated as a geometric mean.
- F. Bypass: The diversion of waste water, either by act or by design, from any portion of a treatment facility or conveyance system.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
